

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street, 10th Floor
New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Tamara Giwa
Executive Director

Jennifer L. Brown
Attorney-in-Charge

July 11, 2024

By CM/ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Haji Najibullah*
(S2) 14 Cr. 401 (KPF)

Dear Judge Failla:

The defense writes to respectfully request an adjournment of the trial date in the above-captioned case, from October 28, 2024, to January 6, 2025. The Government does not take a position on this application; however, to the extent the Court is inclined to grant the defense's request for an adjournment, the Government joins in the request that the trial start on January 6, 2025.

Given the outstanding matters left to resolve, including Mr. Najibullah's assertion of combatant immunity as to the superseding charges and the pending CIPA § 6 litigation, the defense respectfully submits that a brief adjournment of the trial date is necessary to ensure sufficient time to complete the pending litigation and to then litigate *in limine* motions and allow for any Rule 15 depositions that the Court grants following resolution of the CIPA § 6 issues. Should the Court grant this request for an adjournment, the parties jointly propose the following pre-trial schedule for the Court's consideration:

1. Expert disclosures due October 25, 2024;
2. *In limine* motions, proposed *voir dire*, and requests to charge due November 18, 2024;
3. Responses to *in limine* motions due December 2, 2024; and
4. Final pre-trial conference on or about December 19, 2024.

The defense further submits that the parties would plan to complete any Rule 15 depositions the Court approves sometime in October or November 2024.

I thank the Court for its consideration of this application and for its time and attention to this case.

Respectfully Submitted,



Andrew John Dalack

Mark Gombiner

Samuel Jacobson

Ariel C. Werner

Assistant Federal Defenders

(646) 315-1527

Cc: Counsel of Record

Given the outstanding matters left to resolve, the Court GRANTS defense's request. The trial date in this matter shall be ADJOURNED to **January 6, 2024**. The parties proposed pre-trial scheduled is hereby ADOPTED.

The Clerk of Court is directed to terminate the pending motion at docket number 125.

Dated: July 12, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE